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ON PETITION

In re Application of :
Steven M. ZUNIGA et al. :
Application No. 09/848,830 :
Filed: May 03, 2001 :
Attorney Docket No. :
002834USACY5/22558-008002 :

This is a decision on the petition, filed October 20, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the Final Office action of November 20, 2007.

Petitioner asserts that a Notice of Appeal and a two (2) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was filed on April 18, 2008. The transmittal sheet accompanying the Notice of Appeal and extension of time included a fee authorization to a deposit account. A review of the application confirms this. Accordingly, this application was not abandoned in fact.


In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

A reply including a Request for Continued Examination and submission (37 CFR 1.114) and a four (4) month extension of time was also received by the USPTO on October 20, 2008 with the petition.

This application is being referred to Technology Center AU 1792 for appropriate action in the normal course of business on the reply received with petition.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. All correspondence will continue to be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to K. Reichle at (571) 272-6051.



David Bucci
Petitions Examiner
Office of Petitions